

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

LUCIO CELLI,

Defendant.

19-CR-127 (PAE)

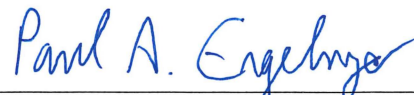
ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the attached email from defendant Lucio Celli (Exhibit A), dated November 28, 2022. Mr. Celli is hereby authorized to file a notice of appeal. The Court requests that Mr. Celli's district court counsel, Jamie Santana, Esq., assist Mr. Celli to file a notice of appeal.

The Court reminds Mr. Celli that the judgment entered in this case does not require this Court to review or approve his filings in the United States Court of Appeals for the Second Circuit. This Court's review applies only to filings within the Eastern District or Southern District of New York.

To the extent Mr. Celli seeks the Court's review of filings within either of those Districts, Mr. Celli is to email the chambers email account (engelmayernysdchambers@nysd.uscourts.gov) of this Court. He is *not* to email any other email account that may be associated with this Court. The Court directs Mr. Santana forthwith to provide Mr. Celli with a copy of this order.



PAUL A. ENGELMAYER
United States District Judge

Dated: December 1, 2022
New York, New York

EXHIBIT A

From: Lucio [REDACTED]
Sent: Monday, November 28, 2022 8:17:17 PM
To: Paul Engelmayer [REDACTED]
[REDACTED] >; Erin Weinrauch <[REDACTED]>
Subject: Letter from Lucio Celli

CAUTION - EXTERNAL:

Dear Judge Engelmayer:

According to my lawyer, Officer Winrauch gave me permission to contact you. The issue at hand is filing an appeal. Your Honor was clear on the day of sentencing that I only needed to email you if I want documents in EDNY or SDNY. Therefore, I do not understand why I am contacting you to file an appeal in the 2nd. Cir. because Your Honor stated that the 2d Cir. has its own way of limiting my filings.

The issue that I wanted Mr. Santana to contact you about was the issue of special condition number 7 because the last time, Your Honor said that "governmental agent" was only people who worked within the DOJ. Mr. Silverman, over the months after July 20th, changed the meaning to include anyone that he wanted the information not to reach. I asked him to write to Your Honor to have a definition of "governmental agent" because I work for NYCDOE and all my coworkers are "governmental agents" or "the DMV," and I could go on with more examples.

I have an issue with Mr. Santana, as he will not correct his mistakes before Your Honor. Mr. Santana was clear with my family that he would NOT deal with the misconduct of my lawyers or that of the government, which Mr. Santana told me. My mother informed me of Mr. Santana's position, and this can be obtained from the BOP because she told me what he told her, and my conversations were recorded. I agreed to Mr. Santana's position for my mother. Mr. Santana told me that I needed to deal with issues after sentencing. I asked my lawyer to fix the following mistakes of misinforming Your Honor that I did not need answers/remedies to:

1. HIPPA violations by my former lawyers with a NY POST reporter has my medical information
2. Silverman did not docket my motions that affected the appeal, and my NYSUT lawyers told me that DOE would use the court's record to terminate me, which I told Your Honor that I would write you about—but I am waiting to speak to my NYSUT lawyers to see what is happening
 - a. Silverman's misconduct will affect me in fighting my 3020-a
 - b. There are remedies, like a new trial or whatever Your Honor believes will even the playing field
 - c. I will write something, with the permission of probation, to email Your Honor, after I speak to my NYSUT lawyer

The above are examples of what was written in the numerous filings, and I do not understand why Mr. Santana will not correct his mistake because he simply misspoke.

Mr. Santana made it clear that my parents ONLY paid him for sentencing, which I told him on Nov. 10th to ask for another lawyer. I reminded Mr. Santana that Your Honor said: "I do not want to hear if the family is not paying you" and "Will represent Mr. Celli for the duration." So, I need to ask Your Honor to appoint a CJA lawyer to perform the duties, to write to the DOJ and, if permission is given by probation, to write the court or court personnel. I told Mr. Santana that my mother told me this while at FMC Lexington of only being paid for sentencing. His representation would end thereafter, so he needed to inform Your Honor of this fact on November 10th or correct this mistake.

I need to appeal based on ineffective assistance of counsel. I told Mr. Santana that he was required to file my notice of appeal, and he told me that he would not. I pointed to *Rodriquez v. US* that if I provided my lawyer with specific instructions to file a notice of appeal and did not, then the said lawyer was ineffective. I even told Mr. Santana that if I signed a waiver of appeal and my lawyer did not file, then my lawyer was ineffective (see *US Garza v Idaho*), and I cited the same cases to Mr. Silverman. I even informed Mr. Santana that the 2nd Cir. requires the lawyer to remain on the case UNTIL the court of appeal relieves them of their service. These are issues that I must raise with the 2nd Cir. because Mr. Santana left the county without filing a notice of appeal.

I include Ms. Weinrauch in this email because I need permission from her to write the 2d. Cir. because I need to file a leave-to-file motion (which will be the same one in 22-222) and maybe IFP—if having a private lawyer revoked IFP status

Thank You,
Mr. Celli

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.